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VIA FACSIMILE (212) 805-7920 AND FEDERAL EXPRESS

Honorable Shira A. Scheindlin, U.S.D.J.  
United States District Court, Southern District of New York  
500 Pearl Street, Room 1620  
New York, New York 10007

Re: Malibu Textiles, Inc. v. Carol Anderson, Inc. et al.  
Docket No. 07 Civ. 4780 (SAS)

Dear Judge Scheindlin:

We represent Plaintiff Malibu Textiles, Inc. ("Malibu") in the above-captioned matter. We write to request an extension of the summary judgment briefing schedule ordered at the January 22, 2008 Pre-Motion Conference before Your Honor and for leave to file a Second Amended Complaint. This is Plaintiff's first request for such relief.

Presently, plaintiff's moving brief is due March 17, 2008, defendants' opposition is due April 7, 2008, and plaintiff's reply is due April 21, 2008. Plaintiff seeks to extend the time to make its motion by one month, making the moving brief due April 17, 2008, the opposition due May 7, 2008, and the reply due May 21, 2008.

Plaintiff seeks an extension for the following reasons:

- During defendants' depositions of Malibu's owners and of the companies from whom Malibu obtained its rights, Malibu learned that the two of the lace patterns upon which Malibu is suing were derived from other lace patterns in which Malibu owns copyright registrations. Plaintiff has sought defendants' consent to file a Second Amended Complaint to include those registrations in the action. Moreover, plaintiff discovered a few typographic errors in the First Amended Complaint that it would like to correct. Finally, plaintiff wants to ensure that it has defendants' answer to the Second Amended Complaint prior to filing its motion.

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March 13, 2008

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- Plaintiff has yet to receive deposition transcripts from defendants for two of the four depositions taken by defendants. Moreover, plaintiff has just received copies of documents produced by the third party witnesses Robert Jabelin and Joe Dickenson at their depositions. Obviously, plaintiff wants the deposition transcripts prior to making its motion.
- Further, defendants made supplemental discovery requests during the depositions of plaintiff's owners. Plaintiff has asked defendant to memorialize those requests so plaintiff can review and respond to them accordingly.
- Lastly, plaintiff's attention has been focused on defending the deposition of its owners (which took place on March 6, 2008), and on the settlement conference before Judge Pitman on Monday, March 10, 2008, which ultimately proved unsuccessful.

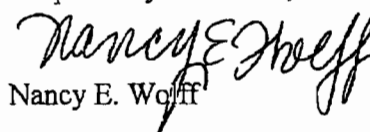
Plaintiff still is confident that the question of defendants' liability for copyright infringement can be disposed of upon summary judgment and that nothing revealed during defendants' depositions is fatal to plaintiff's claims. Due to the foregoing, an extension of time will permit plaintiff to respond to defendants' supplemental discovery requests and to receive documents from defendants which may further support plaintiff's claims.

Finally, plaintiff requests that the Court formally stay discovery pending the resolution of the summary judgment motion. If successful, plaintiff intends to take discovery of defendants' and present expert testimony in support of plaintiff's damages claim. As plaintiff sought an early motion for summary judgment as a way of reducing expenses, a formal stay of discovery will permit plaintiff to continue to limit expenses while continuing to narrow the claims to be litigated.

Plaintiff sought defendants' counsel's consent for the above requested relief yesterday, but has not yet heard back from him. However, to ensure that our request is made timely, we submit this letter now. Once we receive defendants' response, we will advise the Court.

We thank the Court for its consideration.

Respectfully submitted,

  
Nancy E. Wolff

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Matthew A. Kaplan, Esq.